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TOWNSEND and TOWNSEND and CREW LLP

By: 

Attorney Docket No.: 17634-000330US
Client Reference No.: E-089-978

#11
Let. in Patent
PATENT
Seq. List
Amend. C
5/9/01
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Brian R. Murphy et al.

Application No.: 09/458,813

Filed: December 10, 1999

For: USE OF RECOMBINANT LIVE-
ATTENUATED PARAINFLUENZA
VIRUS (PIV) AS A VECTOR TO
PROTECT AGAINST DISEASE
CAUSED BY PIV AND RESPIRATORY
SYNCYTIAL VIRUS (RSV)

Examiner: M. Mosher

Art Unit: 1648

**RESPONSE TO NOTICE TO COMPLY
WITH SEQUENCE DISCLOSURE**

Box Sequence
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the "Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures" dated March 28, 2001, Applicants submit the enclosed Paper Sequence Listing to be made of record in the above-referenced application, and a computer readable form (CRF) copy of the Sequence Listing. The enclosed revised Sequence Listing corrects SEQ ID NO: 5 and SEQ ID NO: 6, disclosed in Figure 6, by removing the generic nucleotide references "nnn" shown as termini therein. The revised Sequence Listing also corrects SEQ ID NO: 12 to correspond to the sequence identified in the Specification at page 81, line 12.

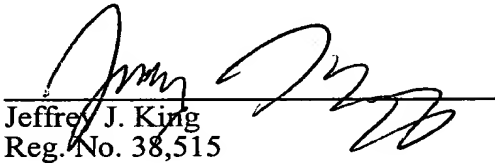
Statement
Pursuant to 37 CFR §1.821(f) and (g), it is believed that the content of the paper sequence listing and the computer readable sequence listing are the same. Further, the present submission of the Paper Sequence Listing and CRF Sequence Listing is not believed to constitute new matter.

Please charge (or credit) any fees associated with this response to the firm's
Deposit Account No. 20-1430.

If the Examiner believes a telephone conference would expedite prosecution of
this application, please telephone the undersigned at 206-467-9600.

Respectfully submitted,

Dated: 4/26/01


Jeffrey J. King
Reg. No. 38,515

Customer No. 20350

TOWNSEND and TOWNSEND and CREW LLP
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Tel: 206-467-9600
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JJK:lmj

SE 5008118 v1

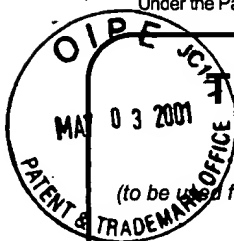
Please type a plus sign (+) inside this box → ☐

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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PTO/SB/21 (08-00)



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

| | |
|------------------------|-------------------|
| Application Number | 09/458,813 |
| Filing Date | December 10, 1999 |
| First Named Inventor | Brian Murphy |
| Group Art Unit | 1648 |
| Examiner Name | M. Mosher |
| Attorney Docket Number | 17634000330 |

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| ENCLOSURES (check all that apply) | | |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Notice to Comply w/ Sequence Disclosure, Paper Sequence Listing, Computer Readable Form Diskette, and copy of Notice to Comply Return Receipt Postcard |
| Remarks | | The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430. |
| Please find enclosed a Nucleotide and/or Amino Acid Sequence Submission, including: Response to Notice to Comply with Nucleotide and/or Amino Acid Sequence Disclosure, Paper Sequence Listing, Computer Readable Form Diskette, and copy of Notice to Comply | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | |
|--------------------------|---|--------------------------------------|
| Firm and Individual name | Townsend and Townsend and Crew LLP Jeffrey J. King | Customer No. 20350 Reg No. 38,515 |
| Signature | | |
| Date | April 26, 2001 | |

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

April 26, 2001

| | | | |
|-----------------------|--------------------|------|----------------|
| Typed or printed name | Linda M. Povinelli | | |
| Signature | | Date | April 26, 2001 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.
SE 5008119 v1



Application No.: 09/458,813

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: _____

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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